

DOCUMENT RESUME

02366 - [A1432425]

[Small Business Contractor Status]. B-188880. May 16, 1977. 1 pp.

Decision re: Janke and Co., Inc.; by Milton Socolar (for Paul G. Dembling, General Counsel).

Issue Area: Federal Procurement of Goods and Services (1900).
Contact: Office of the General Counsel: Procurement Law I.
Budget Function: General Government: Other General Government (806).

Organization Concerned: Uni-Systems, Inc.
Authority: 15 U.S.C. 637 (b) (6). B-180705 (1974).

The protester objected to the award of 100% small business set-aside contracts, asserting that the awardee did not qualify as a small business. GAO did not consider the protest because it is the duty of the Small Business Administration to make such determination. (Author/SC)

Richard Feldman
Proc. I

02366
7/4/77

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-188880

DATE: May 16, 1977

MATTER OF: Janke and Company, Incorporated

DIGEST:

GAO will not consider protest which alleges bidder does not qualify as small business because it is duty of Small Business Administration under 15 U.S.C. 637(b)(6), rather than GAO, to make such determination.

By TWX of April 19, and letter of April 21, 1977, Janke and Company, Incorporated, protested the award of contracts to Uni-Systems, inc. The referenced procurements are 100-percent small business set-asides under invitations for bids (IFB) Nos. F41608-77-R-0988 and F41608-77-R-0345, issued by the Air Force. The protester asserts that Uni-Systems does not qualify as a small business and therefore is not entitled to award.

In this regard, 15 U.S.C. 637(b)(6) (1970) reads in pertinent part:

"It shall also be the duty of the Administration [SBA] * * * to determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated 'small business concerns' * * *."

The cited provision also makes SBA's determination conclusive upon the procuring agency involved.

Since the size protest is for SBA's consideration, we are closing our file and will take no further action on the matter. See NAS Sanitation, Inc., B-180705, March 28, 1974, 74-1 CPD 151.

for Milton Forster
Paul Dembling
General Counsel